

1 Stephen M. Doniger (SBN 179314)
2 stephen@donigerlawfirm.com
3 Benjamin F. Tookey (SBN 330508)
4 btookey@donigerlawfirm.com
5 DONIGER / BURROUGHS APC
6 603 Rose Avenue
7 Venice, California 90291
8 Telephone: (310) 590-1820
9 Attorneys for Plaintiff

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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 AUGUST IMAGE, LLC, a New York
14 Limited Liability Company,

15 Plaintiff,

16 v.

17 OKSANA G. BYCHKOVA, d/b/a "Oksana
18 Skin Esthetics," an individual; and DOES 1-
10,

19 Defendants.

20 Case No.

21 PLAINTIFF'S COMPLAINT FOR
22 COPYRIGHT INFRINGEMENT

23 Jury Trial Demanded

24 AUGUST IMAGE, LLC, by and through its undersigned attorneys, hereby
25 prays to this honorable Court for relief based on the following:

26 **JURISDICTION AND VENUE**

27 1. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101, *et*
28 *seq.*

29 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331,
30 1338(a)-(b).

3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and 1400(a) because this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

PARTIES

4. Plaintiff AUGUST IMAGE, LLC, a New York limited liability company, is a full-service rights managed collection that represents an elite group of portrait, lifestyle, beauty, and fashion photographers for editorial and commercial licensing. As the exclusive syndicator of the photographs at issue in this case, August is entitled to institute and maintain this action under 17 U.S.C. § 501(b).

5. Upon information and belief, Defendant OKSANA G. BYCHKOVA d/b/a “Oksana Skin Esthetics” (“OKSANA”) is an individual residing in Los Angeles, California and is the owner, operator, and/or controller of the commercial Instagram page [instagram.com/oksanaskincare/?hl=en](https://www.instagram.com/oksanaskincare/?hl=en) and its related/affiliated social media pages, websites, and applications (collectively, “Oksana’s Website”). OKSANA maintains a cosmetic esthetician office at 7763 Beverly Blvd, Los Angeles, CA 90036, which is promoted on Oksana’s Website.

6. Upon information and belief, Defendants DOES 1-10 (collectively with OKSANA, “Defendants”), are other parties not yet identified who have infringed the asserted copyrights, have contributed to the infringement of the asserted copyrights, or have engaged in one or more of the wrongful acts alleged herein. The true names, whether corporate, individual, or otherwise, of Defendants 1-10, are presently unknown to Plaintiff, which therefore sues said Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when the same have been ascertained.

7. Upon information and belief, at all relevant times, each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants, and was at all times acting within the scope of

1 such agency, affiliation, alter-ego relationship, and/or employment; and actively
 2 participated in, subsequently ratified, and/or adopted each of the acts or conduct
 3 alleged, with full knowledge of each violation of Plaintiff's rights and the damages to
 4 Plaintiff proximately caused thereby.

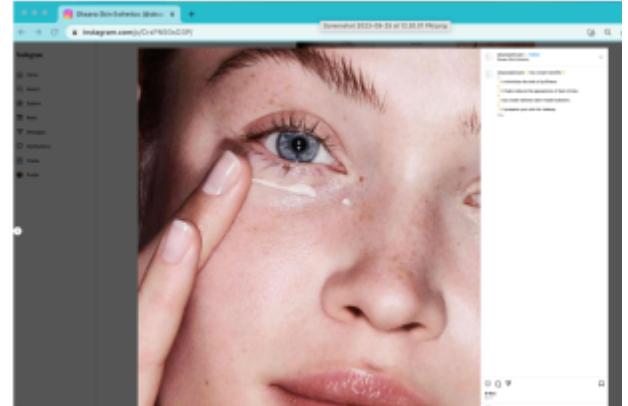
5 **OKSANA'S UNAUTHORIZED EXPLOITATION OF**
 6 **THE SUBJECT PHOTOGRAPH**

7 8. August is the exclusive syndicator of an original photo, AU259030,
 8 registered with the U.S. Copyright Office ("Subject Photograph"), and represents the
 9 photographer who took and owns the Subject Photograph. Accordingly, August has
 10 standing to maintain this action under 17 U.S.C. § 501(b).

11 9. Following the publication and display of the Subject Photograph,
 12 Defendants displayed, distributed, and/or otherwise exploited a verbatim copy of the
 13 Subject Photograph for commercial purposes on Oksana's Website without August's
 14 permission.

15 10. To the extent OKSANA exploited unauthorized copies of the Subject
 16 Photograph more than three years before the date of this pleading, August did not
 17 know, and had no reason to know, of such exploitation(s).

18 11. The Subject Photograph, and a screen capture of Oksana's unauthorized
 19 use thereof, is set forth below:

Subject Photograph	Unauthorized Copy
	

12. In September 2023, AUGUST sent correspondence to OKSANA demanding that it cease and desist from further use of the Subject Photograph and to provide AUGUST with information regarding the full scope of its use of the Subject Photograph in an effort to explore an amicable resolution to this dispute. OKSANA did not respond, necessitating this action.

FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against All Defendants, and Each)

13. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

14. Upon information and belief, Defendants had access to the Subject Photograph, including, without limitation, through Plaintiff's and or its photographer's website, profiles, galleries, exhibitions, social media pages, or authorized licensees; viewing the Subject Photograph on Internet search engines or third-party websites; and/or because the unauthorized copy displayed on Oksana's Website is a verbatim copy of, and thus strikingly similar to, the Subject Photograph.

15. Defendants display and distributed the Subject Photograph on Oksana's Website for commercial purposes without Plaintiff's permission.

16. Due to Defendants' acts of copyright infringement, Plaintiff has suffered damages in an amount to be established at trial.

17. Due to Defendants' acts of copyright infringement, Defendants have obtained profits they would not have realized but for their infringement. As such, Plaintiff is entitled to disgorgement of Defendants' profits attributable to the infringement in an amount to be established at trial.

18. Upon information and belief, Defendants committed copyright infringement with actual or constructive knowledge of, or in reckless disregard or willful blindness for, Plaintiff's rights, such that said acts of copyright infringement were willful.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- a. That Defendants be enjoined from using the Subject Photograph in any manner that infringes the copyrights therein;
- b. That Plaintiff be awarded all Defendants' profits, plus all Plaintiff's losses, attributable to Defendants' infringement, the exact sum to be proven at the time of trial; or alternatively, if elected, statutory damages as available under 17 U.S.C. § 504;
- c. That Plaintiff be awarded its fees as available under 17 U.S.C. § 505;
- d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- e. That Plaintiff be awarded the costs of this action; and
- f. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

JURY DEMANDED

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7th Amendment to the United States Constitution.

Dated: March 6, 2024

DONIGER / BURROUGHS APC

By: /s/ Stephen M. Doniger
Stephen M. Doniger, Esq.
Benjamin F. Tookey, Esq.
Attorneys for Plaintiff